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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,969	12/30/2003	Angel Stoyanov	25340	8812

28624 7590 01/19/2005

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EXAMINER	
GIBSON, KESHIA L	
ART UNIT	**PAPER NUMBER**
3761	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER
	20040113

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary	Application No.	Applicant(s)	
	10/748,969	STOYANOV ET AL.	
	Examiner	Art Unit	
	Keshia Gibson	3761	

-- The MAILING DATE of this communication app ars on th cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1 and 5-20* is/are rejected.

7)☐ Claim(s) *2-4* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/30/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is less than 50 words and does not provide an adequate description of the claimed invention. Correction is required.

2. The disclosure is objected to because of the following informalities: a space should be added between "Claim" and "1." .

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 14, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniel et al. (WO 02/100912 A1).

In regard to Claim 1, Daniel et al. disclose an absorbent product comprising cellulosic fibers (page 3, line 44-page 4, line 9) with a crosslinking agent and a C1-C14 alcohol or polyol (page 6, line 44-page 7, line 8) and characterized by a Whiteness Index greater than 75 (page 7, lines 36-41).

In regard to Claim 14, Daniel et al. disclose a brightness of greater than 82.

In regard to Claim 17-20, Daniel et al. disclose that the absorbent article is to be used in disposable absorbent products (page 1, lines 9-11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al.

In regard to Claims 5-8, Daniel et al. disclose the claimed invention (including the use of a crosslinking agent with a polyol), but do not disclose the use of the group of crosslinking agents further specified by the claimed invention. However, it would have been obvious to one of ordinary skill in the art to select a crosslinking agent from the group disclosed by the claimed invention since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

In regard to Claims 9-13, Daniel et al. disclose the claimed invention (including the use of a crosslinking agent with a polyol), but do not disclose the use of the group of polyols specified by the claimed invention. However, the claimed invention does not provide substantial support for these specific groups; therefore, there is not any reason to believe that the claimed invention would perform any differently than the prior art.

7. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al. in view of Lagerstedt-Eidrup et al. (US PG Pub. 2003/0208173 A1). Daniel et al. disclose the claimed invention except for a product comprising fluff pulp fibers and/or superabsorbent material. Lagerstedt-Eidrup et al. disclose that it is common for an absorbent body to comprise cellulosic fluff pulp fibers and superabsorbent material ([0022]). Thus, as supported by Lagerstedt-Eidrup et al., It would have been obvious to one of ordinary skill in the art to use cellulosic fluff pulp fibers and/or superabsorbents within an absorbent product.

Allowable Subject Matter

8. Claims 2-4 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach or fairly suggest an absorbent article comprising cellulosic fibers, a crosslinking agent, and a polyol, wherein the fibers have a Whiteness Index of greater than 69.0, an *L* value greater than 94.5, an *a* value between –1.55 and –0.60, and a *b* value less than 8.5.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Payne (US 5,749,863), Carrico et al. (US 6,359,049 B1) and Ishizaki (US PG Pub. 2004/0110006 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out of the office every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KG 1/13/05

Larry I. Schwartz
Supervisory Patent Examiner
Group 3700